

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
2 Charles K. Verhoeven (Cal. Bar No. 170151)  
3 charlesverhoeven@quinnemanuel.com  
4 David A. Perlson (Cal. Bar No. 209502)  
5 davidperlson@quinnemanuel.com  
50 California Street, 22<sup>nd</sup> Floor  
4 San Francisco, California 94111  
4 Telephone: (415) 875-6600  
5 Facsimile: (415) 875-6700

6 Kevin P.B. Johnson (Cal. Bar No. 177129)  
7 kevinjohnson@quinnemanuel.com  
8 Victoria F. Maroulis (Cal. Bar No. 202603)  
9 victoriamaroulis@quinnemanuel.com  
555 Twin Dolphin Drive 5<sup>th</sup> Floor  
Redwood Shores, California 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

10 Attorneys for Samsung Electronics Co., Ltd.,  
11 Samsung Electronics America, Inc., and  
12 Samsung Research America, Inc.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 HUAWEI TECHNOLOGIES CO., LTD., et al.,

CASE NO. 16-cv-02787-WHO

17 Plaintiffs,

**DECLARATION OF DR. SONG  
LIANBING IN SUPPORT OF  
SAMSUNG'S MOTION TO ENJOIN  
HUAWEI FROM ENFORCING THE  
INJUNCTION ISSUED BY THE  
INTERMEDIATE PEOPLE'S COURT  
OF SHENZHEN**

18 v.

19 SAMSUNG ELECTRONICS CO., LTD., et al.,

20 Defendants.

**REDACTED VERSION OF DOCUMENT  
SOUGHT TO BE SEALED**

21 SAMSUNG ELECTRONICS CO., LTD. &  
22 SAMSUNG ELECTRONICS AMERICA, INC.,

23 Counterclaim-Plaintiffs,

24 v.

25 HUAWEI TECHNOLOGIES CO., LTD,  
26 HUAWEI DEVICE USA, INC., HUAWEI  
27 TECHNOLOGIES USA, INC. & HISILICON  
28 TECHNOLOGIES CO., LTD.,

Counterclaim-Defendants.

CASE NO. 16-cv-02787-WHO

DECLARATION OF DR. SONG LIANBING ISO SAMSUNG'S MOTION FOR ANTISUIT INJUNCTION

1 I, Song Lianbing, declare as follows:

2 1. I am Professor of Law and Doctor's Tutor on the Faculty of International Law at  
 3 China University of Political Science and Law in Beijing, China. I have held this position since  
 4 2012. I submit this declaration in support of Samsung's Motion to Enjoin Huawei from Enforcing  
 5 the Injunction Issued by the Intermediate People's Court of Shenzhen. I have personal knowledge  
 6 of the facts set forth in this declaration and, if called upon as a witness, I could and would testify  
 7 to such facts under oath.

8 **Academic and Professional Qualifications**

9 2. I have attached my current curriculum vitae as Exhibit A. I received my L.L.M.  
 10 from Wuhan University Law School in 1993, and my Doctor of Law from Wuhan University Law  
 11 School in 1999. I have been a member of the Chinese Society of International Law since 1992  
 12 and a member of the China Law Society since 1996. Since 2001, I have served as Standing Board  
 13 Member and Deputy Secretary General of the Chinese Society of Private International Law. I  
 14 have served as an academic advisor to the Journal of Beijing Arbitration since 2002, and as  
 15 academic advisor to the Journal of Arbitration Study since 2012.

16 3. I have published over 100 research and thesis papers on international law, Chinese  
 17 civil law, private international law, and arbitration law. I am a co-author of Methodology of Legal  
 18 Education, published by Wuhan University Press in 2009, as well as of Treatise of Arbitration  
 19 Law, 1st, 2nd and 3rd editions, published by China University of Political Science and Law Press  
 20 in 1997, 1999, 2002, 2007, and 2008. I am also a co-author of Private International Law,  
 21 published by Hunan People's Publishing House in 2003. I have also co-translated numerous  
 22 academic publications, including Information Technology Law, published by Press of Wuhan  
 23 University in 2004, and Selected Materials on International Commercial Arbitration, published by  
 24 Intellectual Property Press in 2004.

25 **Appellate Procedure with Respect to the Shenzhen Court's Injunction Order**

26 4. On January 11, 2018, the Shenzhen Intermediate People's Court ("Shenzhen  
 27 Court") found that Samsung's Chinese affiliates infringed Chinese Patent Nos. 201010137731.2  
 28 and 201110269715.3, and issued an injunction barring Samsung from manufacturing, selling, and

1 offering to sell certain smartphones in China.

2 5. I have reviewed the Shenzhen Court's order ("injunction order") in Chinese and a  
3 certified translation to English, and have been asked by counsel for Samsung to provide this  
4 declaration regarding the appellate procedure with respect to the order.

5 6. The injunction order states:

6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 7. [REDACTED]

19 [REDACTED] Moreover,  
20 provided one or both parties appeal, the injunction order will not be enforced until after the appeal  
21 concludes. [REDACTED]

22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED] e.

25 8. On January 26, 2018, Samsung filed a notice of appeal of the Shenzhen Court's  
26 judgment. That appeal will give the Guangdong High Court the opportunity to review *de novo* the  
27 procedural and substantive determinations made by the Shenzhen Court. The parties can submit  
28 additional evidence during the appeal, and the Guangdong High Court may hold an additional

1 evidentiary hearing.

2       9. The appeal is expected to conclude within months. Huawei can withdraw its  
3 lawsuits against Samsung at any time during the appeal to the Guangdong High Court.  
4 Alternately, Huawei can request a stay of the appeal pending resolution of its claims before this  
5 Court, and the Guangdong High Court can grant such a stay in its discretion.

6       I declare under penalty of perjury under the laws of the United States of America that the  
7 foregoing is true and correct to the best of my knowledge. Executed February 1, 2018, in Beijing,  
8 China.

9  
10  
11   
12 Dr. Song Lianbing  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28